

EXHIBIT 17

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

THE LEADER'S INSTITUTE, LLC §
and DOUG STANEART, §
Plaintiffs, §
VS § Case Number
ROBERT JACKSON and MAGNOVO § 3:14-cv-03572-B
TRAINING GROUP, LLC, §
Defendants. §

30(b)(6) ORAL AND VIDEOTAPED DEPOSITION OF
MAGNOVO TRAINING GROUP, LLC
BY AND THROUGH ITS DESIGNATED REPRESENTATIVE
ROBERT C. JACKSON
JULY 18, 2016

12 30(b)(6) ORAL AND VIDEOTAPED DEPOSITION OF MAGNOVO
13 TRAINING GROUP, LLC BY AND THROUGH ITS DESIGNATED
14 REPRESENTATIVE, ROBERT C. JACKSON, produced as a
15 witness at the instance of the Plaintiffs, and duly
16 sworn, was taken in the above-styled and numbered
17 cause on the 18th day of July, 2016, from 9:13 a.m.
18 to 5:39 p.m., before Tommi Rutledge Gray, CRR,
19 Certified Shorthand Reporter No. 1693, in and for the
20 State of Texas, reported by computerized stenotype
21 machine and realtime at the Law Offices of Klemchuk
22 LLP, 8150 North Central Expressway, 10th Floor, Dallas,
23 Texas 75206, pursuant to Notice of Deposition,
24 Federal Rules of Civil Procedure and the provisions
25 stated on the record or attached hereto.

1 A P P E A R A N C E S

2 FOR THE PLAINTIFFS:

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19
20 ALSO PRESENT: DAVID GUERRA, Videographer
21
22 DOUG STANEART
23
24
25

1 don't have in front of me.

2 Q. And today we have a Topic on Magnovo's
3 Counterclaims, and what I'm looking for is your basis
4 of those Counterclaims.

5 Is your entire basis the substance of
6 Interrogatory No. 8, your Response, and your Count
7 III in your Counterclaims and Answer?

8 A. I don't know that without talking to counsel.

9 Q. Do you know whether you're under
10 investigation with the Department of Justice at this
11 point in time?

12 A. I do not know.

13 Q. Have you been contacted by the Department
14 of Justice at this point in time?

15 A. No.

16 Q. Have you received any kind of correspondence
17 from the Department of Justice at this point in time?

18 A. No.

19 Q. Have you reviewed any documents the
20 Department of Justice have been provided to TLI?

21 A. No.

22 Q. Okay. Do you know whether a Subpoena was
23 sent by the Department of Justice to TLI requesting
24 documents?

25 A. Do I know?

1 Q. Uh-huh.

2 A. I have heard, yes.

3 Q. But you haven't seen the Subpoena; is that
4 correct?

5 A. No; correct.

6 Q. And you believe that there's in-person
7 telephone conversations with Defendants and Chris
8 McNeeney, Joe Jessup, and Ellen Patanude regarding
9 false statements made by Defendants; is that correct?

10 A. Yes.

11 Q. Do you have any record or evidence of those
12 in-person or telephonic communications?

13 A. You mean did I record them?

14 Q. Yes.

15 A. No.

16 Q. Do you have any evidence they actually
17 occurred?

18 A. Their -- probably their -- them --

19 Q. Okay.

20 A. -- witnessing to it.

21 Q. Other than them potentially witnessing these
22 teleconferences or in-person communications, do you
23 have any documents that evidence the conversations
24 that went on between Defendants and Chris McNeeney,
25 Joe Jessup, and Ellen Patanude?

1 A. No.

2 Q. What damages do you seek on behalf of your
3 defamation claim?

4 A. I'm not sure.

5 Q. How much damages do you seek for your
6 defamation claim?

7 A. I would have to consult with my attorney
8 to know.

9 Q. You also made a claim for fraud. I believe
10 you said that the filing of a Magnovo trademark was
11 fraud in Magnovo's opinion; is that correct?

12 A. Yes.

13 Q. Which damages do you seek on behalf of your
14 counterclaim for fraud in this matter?

15 A. I would have to consult with my attorneys
16 to know.

17 Q. So sitting here today without consulting
18 with your attorneys, you have no idea how much
19 damages you seek for any of your Counterclaims; is
20 that correct?

21 A. We don't have an exact amount yet, no.

22 Q. Who at Magnovo will testify as to the amount
23 of damages that relate to any of your Counterclaims?

24 A. Probably me.

25 Q. And we've asked Topics in this 30(b)(6)

1 deposition regarding the damages you seek.

2 Do you understand that?

3 A. Yes.

4 Q. And sitting here today, you cannot tell me
5 the damages you seek for any Counterclaims in this
6 lawsuit; is that correct?

7 A. Correct.

8 Q. Have you designated or re -- retained an
9 expert on damages?

10 A. I don't know.

11 Q. You -- you're here on behalf of Magnovo,
12 are you not?

13 A. Yes.

14 Q. Have you retained an expert for damages in
15 this case?

16 A. I don't know.

17 Q. Have you retained anybody in this case
18 besides your attorneys?

19 A. I'm not sure.

20 Q. Do you understand the deadline for -- for
21 experts in this case passed this Friday?

22 A. No, I wasn't aware of that.

23 Q. Do you understand that that expert
24 deadline was for the party with the burden of proof?

25 A. No.

1 Q. And do you understand that it's your burden
2 of proof on your Counterclaims to prove not only
3 liability, but also for damages?

4 A. No.

5 Q. You don't know that?

6 A. I -- I'm sure it's on our side, yes.

7 Q. Okay. And because you did not designate a
8 damages expert on this case, I'm asking you who from
9 Magnovo will testify as to damages for your
10 Counterclaims in this case?

11 A. And I will answer again, I don't know.

12 Q. But you understand I have Topics on all of
13 your Counterclaims and -- and the damages you seek
14 for today's deposition, correct?

15 A. I'm not sure.

16 MR. SORDEN: Can we stipulate to the
17 fact that we have questions on damages?

18 MR. MARCONI: You have questions. I
19 mean, it's -- it's getting tedious. I mean, the fact
20 of the matter is --

21 MR. SORDEN: He's not ready for it.

22 MR. MARCONI: Well, no, other than
23 statutory damages and attorneys' fees, which I think
24 we've already agreed we're not going to produce
25 attorneys' fee information, that's what we're seeking.

1 A. Has he turned over the information that says
2 so?

3 Q. I'm asking you the questions.

4 A. Not unless he lets us know. We have no way
5 of knowing that.

6 Q. Do you know --

7 A. We have no control over the website. He
8 owned the website. No, I do not.

9 Q. So to be fair, your allegations of the
10 framing of the bicycle-team-building-events.com
11 website caused no harm to Magnovo; is that correct?

12 A. I say it's totally incorrect. It did -- did
13 cause harm to me.

14 Q. Which harm did it --

15 A. It caused harm for the potential that we
16 would have had business if it would have gone to the
17 right place -- if those inquiries would have gone to
18 Magnovo instead of The Leader's Institute.

19 Q. So you believe that all business obtained
20 through the framing of bicycle-team-building-
21 events.com are -- you're entitled to for damages for
22 tortious interference of business relations?

23 A. Yes.

24 Q. Do you have any documents on that assertion?

25 A. No.

1 Q. You have no proof whatsoever?

2 A. No.

3 Q. Other than attorneys' fees, are you seeking
4 any damages related to your claim of tortious
5 interference with business relations?

6 A. No.

7 Q. Other than attorneys' fees and costs of this
8 lawsuit, are you seeking any other damages related to
9 your abuse of process claim?

10 A. No.

11 Q. Other than attorneys' fees and costs of your
12 lawsuit, are you claiming any damages for your fraud
13 claims?

14 A. No.

15 Q. And for your defamation claims, other than
16 attorneys' fees and costs of this lawsuit, are you
17 seeking any other damages?

18 A. My understanding of what the defamation is,
19 I'll sell it to the jury.

20 Q. But today, Magnovo has no other number other
21 than the costs of this lawsuit or attorneys' fees
22 related to the damages for its defamation counterclaim?

23 A. Correct.

24 Q. Count IV relates to the cancellation of the
25 BUILD-A-BIKE® Marks.

1 Do you understand that? I'm looking at
2 Paragraph 244 on Exhibit 3.

3 A. Uh-huh; yes.

4 Q. Looking at the Counterclaim for the
5 cancellation of the BUILD-A-BIKE® Trademark, it seems
6 you're not seeking damages under that counterclaim,
7 correct?

8 A. I don't believe so.

9 MR. MARCONI: Let me just look at
10 the -- what number is that?

11 MR. SORDEN: It's Count IV on Page 20
12 of Exhibit 3.

13 MR. MARCONI: (Counsel reviews
14 documents.)

15 BY MR. SORDEN:

16 Q. So to be clear, on Count IV, the
17 cancellation of the BUILD-A-BIKE® Trademark, you're
18 not seeking any damages; is that correct?

19 A. Not seeking any attorney damage [sic], I
20 guess not, no.

21 Q. Now you seek attorneys' fees pursuant -- in
22 Count V you seek attorneys' fees pursuant to 17 U.S.C.
23 505. Do you see that on Exhibit 3, Mr. Jackson?

24 A. Yes.

25 Q. Okay. And in Paragraph 251, can you read

1 that paragraph, please.

2 A. "Defendants filed their Motion to Dismiss
3 Plaintiffs' First Amended Complaint in this matter on
4 January" 3rd -- "30th, 2015. The Court subsequently
5 dismissed Plaintiffs' claims against Defendants for
6 Federal Copyright Infringement under 17 U.S.C. 501."

7 Q. So is it your contention because it
8 dismissed those counterclaims -- I'm sorry.

9 Is it your contention because the Court
10 dismissed the copyright claims against Magnovo, that
11 you're entitled to attorneys' fees?

12 MR. MARCONI: I'll object; calls for a
13 legal conclusion.

14 BY MR. SORDEN:

15 Q. What's your contention for attorneys' fees
16 under 17 U.S.C. 505?

17 A. I don't know.

18 Q. What are the facts related to your
19 contentions for attorneys' fees under 17 U.S.C. 505?

20 A. I don't know.

21 Q. You understand that those copyright claims
22 filed against you were dismissed without prejudice?

23 A. I wasn't aware.

24 Q. Do you have any reason to dispute that those
25 claims -- those copyright claims were dismissed

1 without prejudice?

2 A. No.

3 Q. And to be fair, you don't know the legal
4 effect of dismissing claims without prejudice, correct?

5 A. I'm not sure.

6 Q. Count VI we talked about before. It's
7 related to your copyright infringement claim. And
8 just to confirm, and I think we talked about this,
9 Magnovo is not seeking damages other than statutory
10 damages pursuant to 17 U.S.C. 504(c); is that correct?

11 MR. MARCONI: You're asking me?

12 MR. SORDEN: I'm asking the witness,
13 but --

14 MR. MARCONI: I thought you were asking
15 me.

16 BY MR. SORDEN:

17 Q. How 'bout I ask it this way, Mr. Jackson:
18 On -- on Paragraph 259 of Count VI, you only claim
19 damages pursuant to statutory damages; is that correct?

20 A. It says "Magnovo is entitled to statutory
21 damages," yes.

22 Q. And if it's proven that you're not entitled
23 to stat -- statutory damages, in fact, for this
24 copyright claim, you would have no damages.

25 Do you understand that?

1 A. I guess.

2 MR. SORDEN: Okay. All right. Let's
3 go off the record.

4 THE VIDEOGRAPHER: End of Disc 2;
5 12:15 p.m. Off the record.

6 (Lunch recess held from 12:15 p.m. to 1:24 p.m.)

7 (Mr. Craddock not present.)

8 THE VIDEOGRAPHER: Start of Disc 3.

9 Back on the record; 1:24 p.m.

10 MR. MARCONI: This is number what?

11 MR. SORDEN: This is No. 9.

12 MR. MARCONI: Thank you.

13 (Exhibit 9 marked for identification.)

14 BY MR. SORDEN:

15 Q. Mr. Jackson, I'm handing you what's been
16 marked as Exhibit No. 9 to Magnovo's deposition.

17 (Documents handed to witness.)

18 A. Uh-huh.

19 Q. I will submit to you this is a document that
20 is entitled "Independent Contractor Agreement for The
21 Leader's Institute™, (TLI) Consultants."

22 Do you see that?

23 A. Uh-huh.

24 Q. And I believe you testified previously that
25 you signed a document in 2009. This document was

1 signed in 2006.

2 Is this the document you were referring to
3 in your previous deposition?

4 A. I'm sorry. You said I "did" or "didn't"
5 sign it?

6 Q. Well, you previously testified you signed a
7 document with TLI in 2009, and I believe this document
8 is signed in 2006.

9 Is this the one you were referring to?

10 A. This is the one I signed, yes.

11 Q. Okay. So just for clarification, --

12 A. Yes.

13 Q. -- this document was signed in December of
14 2006. Is the other Agreement you -- at least the
15 Agreement you agree was signed by you?

16 A. Uh-huh.

17 Q. And to be fair, another Agreement in 2011
18 you contend was not signed by you; is that correct?

19 A. Right.

20 Q. Okay. Have you reviewed this document?

21 A. Not in a long time.

22 Q. Please go ahead and review it before I ask
23 you a few questions.

24 A. (Witness reviews documents.) Okay.

25 Q. Mr. Jackson, did you sign Exhibit No. 9?

1 with all the facts provided on the abuse of process,
2 and so I'm -- I'm asking a little bit more about it.
3 I haven't asked about issuance of process.

4 MR. MARCONI: I haven't seen this
5 wrongful issuance of process quoted anywhere. And I
6 apologize if it's there; I just don't see it.

7 MR. SORDEN: (Counsel reviews
8 documents.) Counsel, I'll move on. I'm looking at
9 a --

10 MR. MARCONI: Okay. That's fine.

11 MR. SORDEN: -- in response to
12 Interrogatory No. 5, and I don't see this allegation
13 in there. And I'm going to rely upon your Interrogatory
14 Responses on this cause of action or counterclaim.

15 BY MR. SORDEN:

16 Q. I asked you earlier about the per se
17 defamatory statements that Mr. Staneart made or TLI
18 made, and I don't believe you identified those
19 statements with particularity.

20 Can you provide those statements for me
21 again that's subject to your defamation claim?

22 A. I don't remember the answer.

23 Q. There's allegations that there's per se
24 defamatory statements, and I -- I want to know the
25 facts related to those per se defamatory statements on

1 behalf of Magnovo.

2 Do you know the point in time which
3 statements are per se defamatory?

4 A. That -- that is against Magnovo by the
5 Plaintiff?

6 Q. No. You made an allegation that certain
7 statements were per se defamatory that was made by TLI
8 or Mr. Staneart.

9 A. That's what I just asked, yeah. Per se, he
10 had several statements he made to his past and former
11 employees.

12 Q. No, no, no. You allege that he had made per
13 se defamatory statements about you or Magnovo, and I
14 want to know which statements you contend are per se
15 defamatory.

16 MR. MARCONI: Go through them again,
17 and don't forget the e-mails, as well.

18 A. Again, --

19 MR. SORDEN: Counsel, can you tell
20 him -- not tell him how to answer the question.

21 A. You know, I'm -- I'm going to go through the
22 whole list that we talked about again.

23 BY MR. SORDEN:

24 Q. Good.

25 A. And we talked about the fact that when I

1 left the company he told people that -- that I was
2 breaking the law and I was going to go to jail and the
3 FBI was -- had -- was doing a -- he was working with
4 them on a sting operation and that I was going to go
5 to jail for ten years.

6 Then he went back and said no, that was a
7 lie, but by then, the damage was done. I lost some
8 good friendships; I lost some good potential em --
9 employees or possible customers in the future.

10 When he tried to take away my -- when he
11 called employees and told them that I was dodging
12 being served, and -- but when I didn't -- whenever I
13 did finally answer the door, I was going straight to
14 jail.

15 In the past, he's talked about -- or my
16 understanding is he's gone to the police department,
17 the FBI and the Department of Justice and told them
18 all these different crimes that I've supposedly
19 committed. If that's not per se, I don't know what
20 is.

21 Q. Do you think it's a crime to go seek the
22 help of a police department or Department of Justice?

23 A. Please raise your voice when you say that.
24 I didn't hear you.

25 Q. Do you think it's a crime to go seek the

1 enjoin Plaintiffs from using any materials that
2 contains infringing material," (as read).

3 Q. Do you understand what "prevailing party"
4 means in relation to copyright claims?

5 A. I'm not an attorney. I'm sorry.

6 Q. Okay. And you understand if your
7 copyright -- if you lose your copyright claims, you
8 may owe attorneys' fees and costs to TLI and Mr.
9 Staneart?

10 A. No, I don't.

11 Q. Okay. Do you understand that the analysis
12 and time it's taken to go through the allegations
13 regarding the copyright infringement claims has been
14 fairly substantive on behalf of TLI and Mr. Staneart?

15 A. Yeah. I'm glad for it, too.

16 Q. So it makes you happy that you made --

17 A. It makes me happy that you guys are having
18 to spend the same kind of money I'm having to spend
19 every time he does something to my company that I have
20 to pay attorneys to go after and figure out what he
21 did and how to stop it.

22 So yeah, yeah; to answer your question, yes.

23 Q. Okay.

24 A. And I know that he's -- and you can threaten
25 and -- and make innuendo that we're going to lose that

1 and I could pay, but you're not going to intimidate me
2 or scare me with them because you're not going to
3 because he's admitted to doing it, so...

4 Q. Does it make you happy that you've forced --

5 A. Does it make me happy not to stop an --
6 answering your questions? Yeah, it does make me happy
7 to stop answering your questions. So please make it
8 very clear and concise and I'll answer your question.

9 MR. MARCONI: Let -- let's --

10 BY MR. SORDEN:

11 Q. I'll ask -- no, I'm going to ask a question
12 here. You said it makes you happy that TLI and/or Mr.
13 Staneart are spending money; is that correct?

14 A. I don't remember now.

15 Q. All right.

16 A. Can I take a break?

17 Q. Nope.

18 A. I really don't want to have to pee all over
19 this floor.

20 Q. Well, you said -- you said -- I asked you
21 does it make you happy that TLI's spending money, and
22 you said --

23 THE WITNESS: I have to go to the
24 bathroom.

25 MR. MARCONI: I'm not going with him.

1 Don't worry. Just --

2 MR. SORDEN: Off the record.

3 MR. MARCONI: When you gotta go, you
4 gotta go, man.

5 THE VIDEOGRAPHER: Off the record at
6 4:59 p.m. -- 4:49 p.m. Excuse me.

7 (Recess held from 4:49 p.m. to 5:06 p.m.)

8 THE VIDEOGRAPHER: Back on the record;
9 5:06 p.m.

10 BY MR. SORDEN:

11 Q. Mr. Jackson, you testified that it makes you
12 happy that Plaintiffs are having to spend money
13 defending these copyright claims.

14 A. Yeah. To clarify my -- my feeling, the fact
15 that the Plaintiff has put me through so much and made
16 me -- cost me so much money, to know that it's costing
17 him a little bit -- little money to have to -- to do
18 something, yes.

19 Q. And do you feel that way even if your
20 copyright claims are unsupported by fact and law?

21 A. I believe they are supported by the facts of
22 law.

23 Q. Okay. And you understand that if you are
24 incorrect, you will actually owe costs and fees related
25 to your allegations?

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2 FOR THE NORTHERN DISTRICT OF TEXAS
3 DALLAS DIVISION

4 THE LEADER'S INSTITUTE, LLC §
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8 ROBERT JACKSON and MAGNOVO § 3:14-cv-03572-B
9 TRAINING GROUP, LLC, §
10 Defendants. §

11 - - - - -
12 REPORTER'S CERTIFICATE TO THE
13 30(b)(6) ORAL AND VIDEOTAPED DEPOSITION OF
14 MAGNOVO TRAINING GROUP, LLC
15 BY AND THROUGH ITS DESIGNATED REPRESENTATIVE
16 ROBERT C. JACKSON
17 JULY 18, 2016
18 - - - - -

19 I, Tommi Rutledge Gray, CRR, Certified Shorthand
20 Reporter No. 1693 in and for the State of Texas,
21 certify that the foregoing deposition of ROBERT C.
22 JACKSON was reported stenographically by me at the
23 time and place indicated, said witness having been
24 placed under oath by me, and that the deposition is a
25 true record of the testimony given by the witness.

That the amount of time used by each party at
the deposition is as follows:

1 FOR THE PLAINTIFFS:

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18 Certified to by me on this 29th day of July, 2016.

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23
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25

Tommi Rutledge Gray
Tommi Rutledge Gray, Texas CSR
Expiration date: 12/31/2016
Firm Registration No. 348



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